

***Effective 7/1/2015***

**53A-6-604 Rules for conducting hearings -- Standard of proof.**

- (1) The board and each local school board shall adopt rules for the conduct of hearings to ensure that requirements of due process are met.
- (2) An accused party shall be provided not less than 15 days before a hearing with:
  - (a) notice of the hearing;
  - (b) the law, rule, or policy alleged to have been violated;
  - (c) sufficient information about the allegations and the evidence to be presented in support of the allegations to permit the accused party to prepare a meaningful defense; and
  - (d) a copy of the rules under which the hearing will be conducted.
- (3) If an accused party fails to request a hearing within 30 days after written notice is sent to the party's address as shown on the records of the local board, for actions taken under the auspices of a local board, or on the records of the board, for actions taken under the auspices of the board, then the accused party shall be considered to have waived the right to a hearing and the action may proceed without further delay.
- (4) Hearing fact finders shall use the preponderance of evidence standard in deciding all questions unless a higher standard is required by law.
- (5) Unless otherwise provided in this title, the decisions of state and local boards are final determinations under this section, appealable to the appropriate court for review.

Amended by Chapter 311, 2015 General Session